

**Before the State of South Carolina  
Department of Insurance**

**In the Matter of:**

SCDOI Docket # **08-1445**

Jason D. Fishel  
106 Deerfield Place  
Archdale, NC 27263

**ORDER REVOKING  
NON- RESIDENT PRODUCER  
LICENSE**

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting the revocation of Jason D. Fishel's, (Producer) non-resident producer's license.

After careful review of the evidence presented the Department issues the following decision:

**FINDINGS OF FACT**

Producer is currently a South Carolina non-resident producer.

In the State of South Carolina, the producer committed fraud, by submitting false applications for insurance coverage to The Assurance Group, Inc., in order to earn advance commissions.

In the State of South Carolina, the producer failed to respond to the notice of investigation sent by the Department on April 21, 2008, after signing the return-receipt card.

**CONCLUSIONS OF LAW**

Pursuant to S.C. Code §38-43-130(A)(C)(8). (A) "The director or his designee may place on probation, revoke, or suspend a producer's license after ten days' notice or refuse to issue or reissue a license when it appears that a producer has been convicted of a crime involving moral turpitude, has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State." (C): "The words 'deceived or dealt unjustly with the citizens of this State' include, but are not limited to, action or inaction by the producer, as follows: (8): using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere." Because Jason Fishel committed insurance fraud by submitting false applications for insurance coverage on local consumers to The Assurance Group, Inc., the Department now moves to revoke his producer license.

Pursuant to S.C. Code §38-43-245 --Fraudulent Insurance Applications- "Any licensed insurance agent who, with the intent to injure, defraud, or deceive any insurance company or applicant for insurance, presents or causes to be presented to any insurance an application for insurance, knowing that the application contains any false or misleading information or omissions concerning any fact or thing material to the underwriting of the insurance for which the application is submitted." Thus, as a result of Jason Fishel's fraudulent actions of submitting false applications for insurance to his employer, during a period from January until June of 2007, the Department now moves to revoke his non-resident producer's license.

### **ORDER**

**THEREFORE**, it is ordered that Jason D. Fishel's South Carolina non-resident producer's license shall be revoked thirty (30) days from the date of receipt of this order, and no license issued through the State of South Carolina Department of Insurance is to be issued to him, unless Jason D. Fishel requests in writing within said thirty (30) days period a public hearing before the South Carolina Administrative Law Court.

It is **FURTHER ORDERED** that the National Association of Insurance Commissioners be immediately be notified of this order.

This South Carolina Department of Insurance administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *freedom of Information Act*, S.C. Code Ann. §§30-4-10, *et seq.* (1991 and Supp. 2007). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. §38-3-110(3) (Supp. 2007).



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Scott H. Richardson  
Director of Insurance

Dated this 14<sup>th</sup> day of May, 2008